REMARKS

The application has been amended to place it in condition for allowance at the time of the next Official Action.

Specification

As noted in a telephone conversation with Examiner Cernoch on April 19, 2010, there was a translation error in the original application. That is, the French term "fractionnement" was incorrectly translated as "fractional distillation", when this term should correctly be translated as "fractionation".

A verified English translation pointing out this mistranslation together with a copy of the original French text is submitted herewith as well as a substitute specification (clean and marked-up copies). No new matter is added.

Indeed, the Examiner noted this error (on page 8 of the final rejection) based on the process described in the present application (see also the original abstract).

Claim status

Claims 1-21 were previously pending in the application. New claim 22 is added. Therefore, claims 1-22 are presented for consideration.

35 USC 102(b) rejection

Claims 1-10, 13, 14 and 21 were rejected under 35 USC 102(b) as being anticipated by LUBSEN et al. (US 4,382,552). That rejection is respectfully traversed.

Consistent with the specification amendment, the claims have been amended to clarify that the device of the invention is directed to a first Venturi that makes a first fractionation of the liquid composition, this first Venturi is terminated by an expansion chamber. A second Venturi is connected to a gaseous source and is connected to the expansion chamber containing the liquid composition from the first fractionation. This allows creating a mixed gas-and-liquid fluid which is in the same time submitted to the Venturi effect so that a second fractionation step is conducted.

Lubsen concerns a liquid applicator for dispensing a chemical liquid in dilute aqueous form. The device of Lubsen includes a first Venturi 26 in which water circulates and which forms a first stage aspirator allowing a concentrate stored in a first container 8 to be mixed with the water in the expansion chamber 27, forming therefore a premix. The premix is then stored in a second container 9.

Lubsen also discloses a second Venturi 44 in which water circulates and which forms a second stage aspirator allowing the premix stored in the second container 9 to be mixed

with the water in the expansion chamber 45, forming therefore the dilute ready to be distributed.

Based on the above, the presently claimed invention differs in many aspects from Lubsen, including the following:

1) the expansion chamber which terminates the first Venturi is connected to the second Venturi, so that the liquid submitted to the second Venturi is the liquid of the expansion chamber, contrary to the device of Lubsen for which in both Venturis, only water is submitted to the Venturi effect since the concentrate and the premix are both connected to the respective expansion chambers 27, 45 situated after the Venturis.

2) Lubsen uses only liquids, and cannot therefore form any mixed gas-and-liquid composition.

Since claim 1 has been amended to point out these features with particularity, it is believed that claim 1 and the claims that depend therefrom define over Lubsen.

35 USC 103(a) rejections

Claims 11 and 12 were rejected under 35 USC 103(a) as being unpatentable over LUBSEN in view of WANSON et al. FR 2,481,782. That rejection is respectfully traversed.

WANSON is only cited with respect to features of the dependent claims. WANSON does not overcome the shortcomings of LUBSEN set forth above with respect to claim 1. Since claims 11 and 12 depend from claim 1 and further define the invention,

these claims are believed to be patentable at least for depending from an allowable independent claim.

Claims 15-19 were rejected under 35 USC 103(a) as being unpatentable over LUBSEN in view of ABPLANALP (US 4,382,552). That rejection is respectfully traversed.

Independent method claim 17 is amended along the lines of claim 1 and recites the steps of effecting a first fractionation of a liquid and effecting a second fractionation of the liquid. Claim 17 also recites a gaseous flow under pressure. As explained above, LUBSEN does not disclose a gas flow, does not effect a first or a second fractionation of the liquid, and does not disclose that the liquid from said first fractionation is mixed with the gas creating therefore a mixed gas-and-liquid and which terminates in a low pressure area of an outlet orifice. Accordingly, claim 17 is also believed to define over LUBSEN.

ABPLANALP is only recited with respect to features of the dependent claims. ABPLANALP does not overcome the shortcomings of LUBSEN set forth above with respect to claims 1 and 17. Since claims 15 and 16 depend from claim 1 and since claims 18 and 19 depend from claim 17 and further define invention, claims 15, 16, 18 and 19 are believed to be patentable at least for depending from an allowable independent claim.

Claim 20 was rejected under 35 USC 103(a) as being unpatentable over LUBSEN in view of ABPLANALP and further in view of WANSON. That rejection is respectfully traversed.

WANSON is only cited with respect to features of dependent claim 20. WANSON does not overcome the shortcomings of LUBSEN set forth above with respect to claim 17. Since claim 20 depends from claim 17 and further defines the invention, claim 20 is believed to be patentable at least for depending from an allowable independent claim.

New claim 22 has been added. This new claim is similar to original claim 8 and concerns, for example, the connection between the expansion chamber 2 and the second Venturi 7 and more precisely with the cylindrical portion 11 of the second Venturi. This precise connection with the cylindrical portion 11 of the second Venturi effects the second fractionation as explained on page 6, lines 7-18 in the specification of the present application, whereas in Lubsen, the connection between the conduct 47 containing the premix and the second Venturi 44 is located at the expansion chamber 45 that render impossible any fractionation of the premix.

In view of the present amendment and the foregoing Remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

The Appendix includes the following item(s):

☒ - A marked-up copy of a substitute specification.
☒ - A clean copy of a substitute specification.
☒ - A verified English translation of the specification.
☒ - A copy of the specification of the priority document (PCT/FR2004/002299 filed September 10, 2004), which is used as the basis for the English translation.